

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Joshua E. Collins,

Petitioner(s),

vs.

Warden, Richland Correctional Institution,

Respondent(s).

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Case Number: 1:17cv48

Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Stephanie K. Bowman filed on March 5, 2019 (Doc. 28), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired March 19, 2019, hereby ADOPTS said Report and Recommendation.

Accordingly, petitioner's motions to reinstate this habeas corpus action (Docs. 20, 21) are DENIED without prejudice and that this action remain stayed and terminated on the Court's active docket pending petitioner's compliance with the conditions of the March 12, 2018 stay order.

A certificate of appealability will not issue with respect to petitioner's motions to reinstate this habeas corpus action (Docs. 20, 21) because under the first prong of the applicable two-part standard enunciated in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000), "jurists of reason" will not find it debatable whether the Court is correct in its procedural ruling.

With respect to any application by petitioner to proceed on appeal *in forma pauperis*, the Court certifies pursuant to 28 U.S.C. §1915(a)(3) that an appeal of any Order adopting the Report

and Recommendation will not be taken in “good faith,” therefore petitioner is DENIED leave to appeal *in forma pauperis* upon a showing of financial necessity. See Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

IT IS SO ORDERED.



Judge Susan J. Olcott
United States District Court